

## REMARKS

Claims 1-29 are currently pending. In the instant Office Action, the Examiner has raised the following issue:

- 1) Claims 20-29 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Publication No. 2005/0156103 to May et al. (May) in view of U.S. Patent No. 6,528,782 to Zhang (Zhang).

Applicant thanks the Examiner for indicating that Claims 1-19 are allowed and for withdrawing the prior art rejection of Claims 20-23, 26 and 27 over U.S. Patent No. 6,120,165 to Shalvi.

### **1) The Claims Are Patentable Over May and Zhang**

The Examiner has rejected Claims 20-29 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Publication No. 2005/0156103 to May et al. (May) in view of U.S. Patent No. 6,528,782 to Zhang (Zhang). The Examiner states:

[r]egarding claim 20, figure 1, May disclose a body (10); a lens mounted on the body and generally a chamber (11) and a circuit (21) having at least two lamps (19) of different colours to produce a desired colour including a varying colour, the lamps being mounted to direct light into the chamber. See figures 1-5, col.3, lines [0045] to col.8, lines [0098] to [0103]. May does not teach connections for at least one rechargeable battery to power the circuit and a solar cell mounted on an exposed surface of the assembly so as to be exposed to light and operatively associated with the connections to charge the battery, and a user operated on/off switch being exposed to provide for access thereto by a user thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery (Office Action, pages 2 and 3).

The Examiner relies on Zhang to remedy the deficiencies of May to reject the invention of Claims 20-29. Applicant respectfully disagrees with this rejection.

Applicant asserts that May is not prior art. Applicant provides "The Richmond Declaration" (attached hereto at Tab 1) as evidence that the present invention was reduced to practice in a World Trade Organization member country (e.g., Australia) before the June 23, 2003 filing date of May. The lighting devices to produce light of varying colour, including: a body; a lens mounted on the body and generally enclosing a chamber; a circuit having at least two lamps of different colours to produce a desired colour including a varying

colour, was described in the instruction manual for the RSLMCPPL Rio Colour Flow Pathlight dated May 25, 2003, referred to in "The Richmond Declaration." Since May is not prior art and Zhang does not describe all of the elements of the claimed invention, Applicant respectfully requests that the Examiner withdraw this rejection.

### **CONCLUSION**

Applicant believes the amendments and arguments set forth above traverse the Examiner's rejections and therefore request that these grounds for rejection be withdrawn. Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect before the mailing of a further Office Action.

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